

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 PIEN IETH,

10 Petitioner,

Case No. C12-248-MJP-JPD

11 v.

REPORT AND RECOMMENDATION

12 ICE FIELD OFFICE DIRECTOR,

13 Respondent.

14 Petitioner, a native and citizen of Cambodia, has filed a *pro se* Petition for Writ of
15 Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his immigration
16 detention and seeking an order directing respondent to release him from detention. (Dkt. No. 6.)
17 Respondent has filed a Motion to Dismiss along with documentation which indicates that
18 petitioner was released from immigration custody under an order of supervision on March 27,
19 2012. (Dkt. Nos. 11 and 12, Ex. 1.) Respondent asserts that because petition has been given the
20 relief sought in his habeas petition – release from detention – this matter has become moot and
21 should be dismissed. *Id.*

22 “Article III of the Constitution limits federal ‘Judicial Power,’ that is, federal-court
23 jurisdiction, to ‘Cases’ and ‘Controversies.’” *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388,
24

1 395 (1980). For a federal court to have jurisdiction, “an actual controversy must exist at all
2 stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th
3 Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* “For a habeas petition
4 to continue to present a live controversy after the petitioner’s release . . . there must be some
5 remaining collateral consequence that may be redressed by success on the petition.” *See Abdala*
6 *v. Immigration and Naturalization Serv.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (internal quotation
7 marks omitted).

8 As respondent asserts, petitioner’s habeas petition challenged only his continued
9 detention and sought an order directing his release. Because petitioner has been released from
10 immigration detention, the petition has become moot and should be dismissed. *See Abdala*, 488
11 F.3d at 1065 (holding that removal mooted habeas challenge to length of detention); *see also*
12 *Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th Cir. 1991) (finding that because petitioner only
13 requested release from custody and had been released, the court could provide no further relief
14 and the petition was properly dismissed).

15 For the foregoing reasons, the Court recommends that petitioner’s habeas petition (Dkt.
16 No. 6) be DENIED, respondent’s motion to dismiss (Dkt. No. 11) be GRANTED, and this case
17 be DISMISSED with prejudice. A proposed Order accompanies this Report and
18 Recommendation.

19 DATED this 9th day of April, 2012.

20
21 
22 JAMES P. DONOHUE
23 United States Magistrate Judge
24